

REMARKS

In the Office Action of July 17, 2002, the Examiner rejected Applicants' claims as obvious over Miller Patent 5,202,825 in view of VanHorn Patent 5,736,726 and other references. Specifically, the Examiner contends in Section 4 of the Office Action that Miller meets all the limitations of Claims 1, 2, 4, 5, 8, 10-14, 16, 18, 20, 21, 23, 28, 29, 57, and 63, but that "Miller fails to teach or fairly suggest that the terminal has a device for wireless data communication." The examiner contends that VanHorn teaches a portable communication device equipped for wireless communication. The examiner then concludes that it would have been obvious to employ the wireless communication device of VanHorn to enable the operator to send and receive information without the operator being present at the terminal.

Applicants have carefully considered the rejection and references cited by the Examiner. The within Remarks are believed to fully address the rejections set forth in the Office Action.

Applicants' invention as specifies in claims 1-34, 36-49 and 57 is a combination of a portable terminal, having wireless local area network communication capability, with other components to form a novel and versatile tendering station. The invention addresses the same environment a discussed in the Miller patent, a retail establishment having a wireless network to provide communications to terminals. In this environment it may be desirable to provide moveable stations, such as Miller station 40, which have the capability of providing wireless communications with a central computer and the equipment necessary to complete a sales transaction, such as a printer, a credit card reader, etc. Accordingly, Miller and Applicants herein address the same problem, but provide different solutions.

PATENT

The independent claims specify that the terminals referred to therein are removeably connected to the housing by a terminal interface. Accordingly, as described in the specification, the terminals can function in two operating modes. When removed from the housing the terminals can function as an easily portable aide to a salesman when showing merchandise, for example to obtain information for a customer concerning colors in stock, delivery or other data stored in the computer. Thus, when removed from the tendering station, the terminals function as terminals 33 of the Miller patent.

When the same terminals of the present invention are received at the terminal interface of the claimed tendering station, they perform the processing and communications functions required to complete a transaction, while providing data to the one or more peripheral devices of the tendering station for providing a display or printed receipt.

Thus, while Miller takes the approach of using a specialized tendering station with built in processor and communication, the claimed tendering station uses a connectable wireless terminal, which can also operate separately from the station to provide communications functions, whether attached to the terminal or detached therefrom. Thus, using individually assigned portable terminals, sales clerks can share the same tendering station for completing a transaction and use the terminals separately at other times.

Importantly, the Miller reference teaches away from the invention claimed. Specifically the Miller reference states:

It is to be noted that the data terminal 33 is not directly linked to the customer service station 40, in that the radio transceiver 38 of the data terminal 33 is on an equal hierarchical level with the transceiver 47 of the customer service station 40.

Both are by design unable to communicate with each other.
Miller, Col. 12, lines 3-9 (Emphasis added)

Miller in fact teaches that to install the tendering stations in his system a corresponding number of portable terminals 33 need to be de-activated. *Miller, Col. 10, lines 29-39.*

The Examiner's contention that the VanHorn reference overcomes the deficiencies of the Miller Patent is factually and logically deficient. Miller in fact teaches the use of a portable terminal 33 having a bar code scanner and a data communications radio. Miller does not teach connection of such portable terminal to a terminal interface of a tendering station such that the portable terminal provides the communication and other functions of the tendering station. As pointed out above Miller teaches that the terminal should **not** communicate directly with the tendering station. VanHorn merely teaches the provision of a portable bar code scanning device equipped with a data communication radio, but the exact same teaching is present in Miller. If anything, all VanHorn teaches with respect to the Miller disclosure is that a portable terminal of VanHorn's design can be used to communicate via a central computer to the transaction terminal of Miller. The combination is as deficient as the Miller reference taken alone, in suggesting the claimed invention.

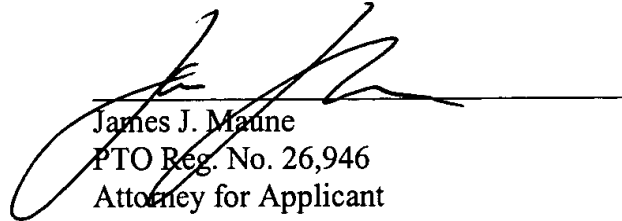
Claim 63, directed to a method for controlling functions in a terminal, is not anticipated by the Miller disclosure at Column 10, line 64 to Column 11, line 47 as asserted by the Examiner in the last paragraph of page 3, of the Office Action. In particular, this portion of the Miller Patent describes assignment of a terminal 33 to a clerk and use by the clerk to process orders. There is no disclosure of the claimed operation whereby the host processor uses identification

PATENT

information entered by a terminal user to determine authorized functions to be made available to the user. Accordingly, claim 63 is not anticipated.

In view of the foregoing amendment and remarks favorable reconsideration is solicited.

Respectfully submitted,



James J. Maune
PTO Reg. No. 26,946
Attorney for Applicant
(212) 408-2566

BAKER BOTTS LLP
30 Rockefeller Plaza
New York, NY 10112